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*Special Counsel to Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

MARTIN GETTINGER, individually, and in his  
capacity as Trustee for TREBOR MANAGEMENT  
CORP. RETIREMENT PLAN #1, TREBOR  
MANAGEMENT CORP. #3 EMPLOYEE  
PROFIT SHARING PLAN, and MISCORK  
CORP. RETIREMENT PLAN; CLARK  
GETTINGER, individually; TREBOR  
MANAGEMENT CORP. RETIREMENT PLAN

Adv. Pro. No. 10-05046 (SMB)

#1; TREBOR MANAGEMENT CORP. #3  
EMPLOYEE PROFIT SHARING PLAN;  
GETTINGER MANAGEMENT LLC PROFIT  
SHARING PLAN; and MISCORK CORP.  
RETIREMENT PLAN,

Defendants.

### **NOTICE OF MEDIATOR SELECTION**

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)<sup>1</sup> [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on December 2, 2010 [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, on March 25, 2014, the Trustee filed with this Court the Notice of Mediation Referral [Dkt. No. 38], wherein the Trustee and Defendants Martin Gettinger, individually, and in his capacity as trustee for Trebor Management Corp. Retirement Plan #1, Trebor Management Corp. #3 Employee Profit Sharing Plan, and Miscork Corp. Retirement Plan; Clark Gettinger, individually; Trebor Management Corp. Retirement Plan #1; Trebor Management Corp. #3 Employee Profit Sharing Plan; Gettinger Management LLC Profit Sharing Plan; and Miscork Corp. Retirement Plan (the “Parties”) jointly agreed to enter mediation prior to or upon completion of discovery without further court order.

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<sup>1</sup> All terms not defined herein shall be given the meaning ascribed to them in the Order.

Through this Notice of Mediator Selection, and pursuant to the Avoidance Procedures and the Mediation Order, made applicable to the Parties upon the filing of the Notice of Mediation Referral, the Parties hereby mutually select from the Mediation Register Melanie Cyganowski, from the law firm of Otterbourg P.C., to act as Mediator in this matter. The Parties further agree to contact Melanie Cyganowski as soon as practicable after this Notice of Mediator Selection is filed with the Court.

The Parties further agree that no person shall act as Mediator if that person, or that person's law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as Mediator.

Pursuant to the Avoidance Procedures, the Parties agree that this mediation will conclude within 120 days from the date that this Notice of Mediator Selection is filed, unless that deadline is extended by mutual consent of the Parties and the Mediator.

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Dated: New York, New York  
April 7, 2014

By: /s/ Howard L. Simon  
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Substantively Consolidated SIPA Liquidation of Bernard L.  
Madoff Investment Securities LLC and Bernard L. Madoff*

Dated: Fort Lauderdale, FL  
April 7, 2014

By: /s/ Michael I. Goldberg  
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